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15 Attorneys for Defendants
16 Irwin Home Equity Corporation and
17 Irwin Union Bank and Trust Company

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

20 MICHAEL W. PUTKOWSKI, on behalf
21 of himself and those similarly situated,

22 Plaintiff,

23 vs.

24 IRWIN HOME EQUITY
25 CORPORATION and IRWIN UNION
26 BANK AND TRUST COMPANY,

27 Defendants.
28

CASE NO.: C 05 3289 PJH

STIPULATION AND ~~PROPOSED~~
ORDER RE: RESETTING
HEARING DATE ON MOTION TO
DISMISS AND RESETTING CASE
MANAGEMENT CONFERENCE

1 WHEREAS, defendants have filed a motion to dismiss the complaint, which is
2 presently set for a hearing at 9:00 a.m. on November 30, 2005, and

3 WHEREAS, defendants have agreed to grant plaintiff additional time to respond to
4 the motion, and the parties have agreed to request that the hearing date for the pending
5 motion to dismiss be moved to 9:00 a.m. on January 25, 2006, and

6 WHEREAS, the Court has presently set an initial case management conference in
7 this matter for 2:30 p.m. on December 15, 2005,

8 WHEREAS, plaintiff intends, forthwith, to move for leave to file a second
9 amended complaint, and

10 WHEREAS, both parties have counsel who reside on the East Coast who will be
11 attending the hearing on the motion to dismiss and the case management conference in
12 person, and the parties therefore desire to have both matters heard at the same time.

13 IT IS THEREFORE STIPULATED AND AGREED that the hearing for the
14 defendant's motion to dismiss shall be re-set for 9:00 a.m. on January 25, 2006, and that,
15 if the Court so approves, the case management conference in this matter shall also take
16 place at 9:00 a.m. on January 25, 2006, following the hearing on the motion to dismiss.

17 DATED: November 8, 2005

WINEBERG, SIMMONDS & NARITA LLP
TOMIO B. NARITA

19
20 By: 

Tomio B. Narita
Attorneys for Defendants

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23 DATED: November 7, 2005

GAIL KILLEFER

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25
26 By: 

Gail Killefer
Attorney for Plaintiff

1 The Court, having reviewed the Stipulation of the parties, and good cause appearing
2 hereby ORDERS that the pending hearing date for the motion to dismiss shall be vacated, and the
3 hearing shall be reset for 9:00 a.m. on January 25, 2006. It is further ORDERED that the case
4 management conference in this matter shall take place at 9:00 a.m. on January 25, 2006,
5 following the hearing on the motion to dismiss.

6 SO ORDERED.
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8 DATED: November 9, 2005
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12 By: 

13 The Honorable Phyllis J. Hamilton
14 United States District Judge
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